

**A RESOLUTION**

**03- 12-1674**

**BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NUMBER 5 WITH THE FEDERAL AVIATION ADMINISTRATION (THE "FAA") COVERING THE SURRENDER TO THE CITY OF APPROXIMATELY 1.49 ACRES OF LAND LEASED TO THE FAA BY THE CITY UNDER THE LEASE FOR THE AIR TRAFFIC CONTROL TOWER SITE AT THE HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, DESIGNATED AS LEASE NO. DOTFA73SO-7970 DATED DECEMBER 18, 1973, AS PREVIOUSLY SUPPLEMENTED; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (the "City") and the Federal Aviation Administration (the "FAA") are parties to the Lease for the Air Traffic Control Tower (the "ATCT") site (the "ATCT Site") at the Hartsfield Atlanta International Airport (the "Airport"), designated as Lease No. DOTFA73SO-7970 dated December 18, 1973 (the "ATCT Lease"), as previously supplemented; and

**WHEREAS**, the City has undertaken the design and construction of a new East International Terminal (the "EIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at the Airport; and

**WHEREAS**, the City ultimately requires the surrender of the entire ATCT Site in connection with the EIT project, and the FAA is ready and willing to surrender the entire ATCT Site upon completion and dedication of a new ATCT, to be sited elsewhere on the Airport, to replace the existing ATCT; and

**WHEREAS**, the total surrender of the ATCT Site will occur in phases and, at this time, the City and the FAA desire and intend to enter into Supplemental Agreement Number 5 amending the ATCT Lease and memorializing the surrender of a portion of the ATCT Site needed for enabling the EIT project (the "Supplemental Agreement"); and

**WHEREAS**, the portion of the ATCT Site to be surrendered under the Supplemental Agreement contains an FAA facility known as the "System Maintenance Office" or "SMO" (formerly known as the "FAA Field Sector Office"); and

**WHEREAS**, in order to mitigate and cure the damages to the FAA caused by the partial taking of the ATCT Site and the SMO facility sited thereon, the City intends to execute a Lease Agreement between the City of Atlanta, as Lessee, and the First American Trust, as Lessor, (the "Tradeport Lease") covering the leasing by the City of approximately 12,390 rentable square feet located in Building 200, at 200 Tradeport Boulevard, Clayton County, Georgia (the "Tradeport Building"), for the relocation of the SMO and occupancy thereof by the FAA; and the execution of such agreement is contingent upon the execution of the Supplemental Agreement contemplated hereunder; and

**WHEREAS**, the City, as Lessee under the Tradeport Lease, and the FAA, as Sublessee, also desire and intend to simultaneously enter into a Sublease

Agreement, covering the use and occupancy of the Tradeport Building by the FAA as a replacement for the SMO (the "Tradeport Sublease"); and the execution of such agreement is contingent upon the execution of the Supplemental Agreement contemplated hereunder and the Tradeport Lease discussed above; and

**WHEREAS**, the City and the FAA also desire and intend to simultaneously enter into a Reimbursable Agreement, as a companion to the Tradeport Sublease, covering the acquisition, installation and cost of FAA requirements for use of the Tradeport Building under the Tradeport Sublease as follows:

- Systems Furniture (modular partitions in lieu of building out hard wall offices);
- Telephone System to replace existing communications capabilities;
- Security system per FAA requirements and specifications;
- T-1 line installation and rental to support the above telephone system; and

**WHEREAS**, all of the foregoing actions and agreements are co-dependant and require the approval of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee be and hereby is authorized to execute, on behalf of the City of Atlanta, Supplemental Agreement Number 5 with the Federal Aviation Administration, which shall provide for the surrender by the FAA to the City of approximately 1.49 acres of land within its Leased Premises under Lease No. DOTFA73SO-7970 for the Air Traffic Control Tower site at Hartsfield Atlanta International Airport, and for the temporary continued use by the FAA of certain portions of said property for time periods that will not exceed one year thereafter.

**BE IT FURTHER RESOLVED**, all of the above will be at a cost to the City not to exceed four million, two-hundred forty-three thousand, two-hundred dollars (\$4,243,200.00) in the aggregate over a twenty-year period; and

**BE IT FURTHER RESOLVED** that the City Attorney be and hereby is directed to prepare said Supplemental Agreement Number 5 for execution by the Mayor.

**BE IT FINALLY RESOLVED** that said Supplemental Agreement Number 5 shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to the FAA.